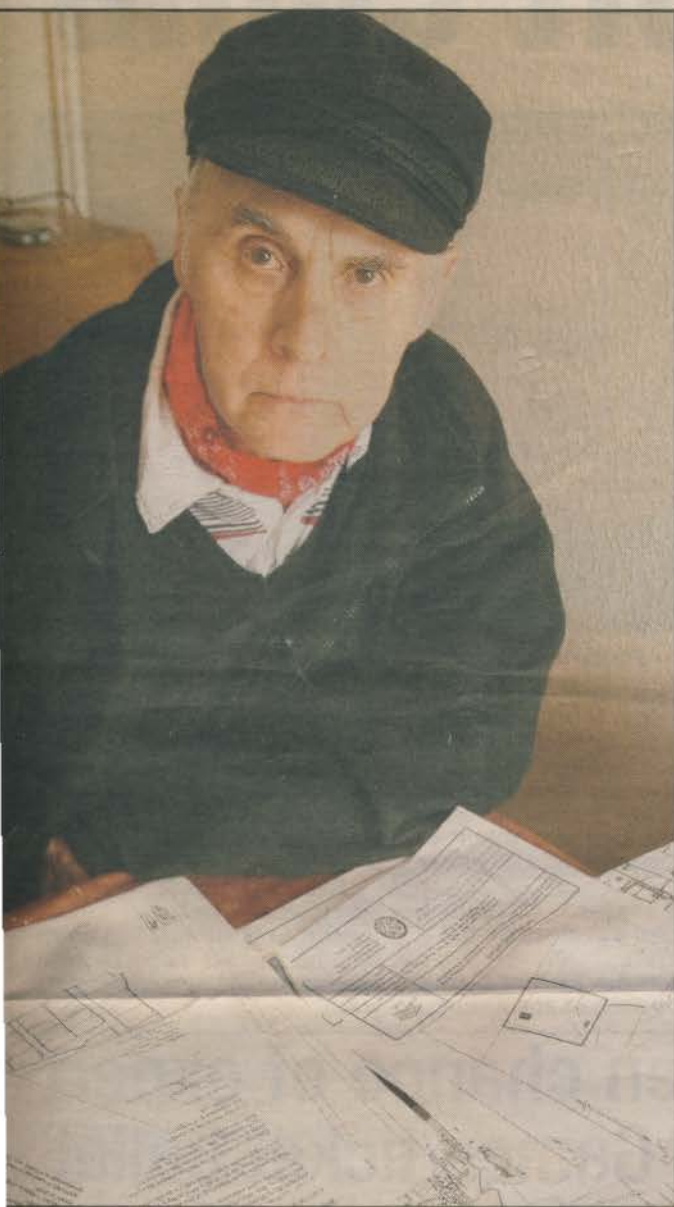


Dale Farm eviction notices legally valid?



Picture: SEANÀ HUGHES CO45967-2

COUNCIL bosses are investigating if they can legally evict travellers from pitches at Dale Farm.

Evidence has emerged which questions the validity of enforcement notices served on as many as 48 of the illegal caravan pitches.

If the enforcement notices are invalid, the eviction will be held up and there could be a fresh High Court challenge by travellers.

The council was sent a report into the legal technicalities by campaign group Carta Developments, based in Denton, Norfolk, which has dealt with previous planning battles between travellers and local authorities in that county.

Grattan Puxon, spokesman for the travellers, said: "Basildon Council, for about the last five years, has been proposing to take enforcement action against Dale Farm, and has failed to examine its own notices to determine if it actually has the right to do so."

"The report identifies Basildon does not have enforcement notices which could enable it to take enforcement action against most of the Dale Farm properties."

The claim emerged just days after funding was approved by the Department for Communities and Home Office for the £17.5million clearance of the site, in Crays Hill.

Basildon Council first voted to send bailiffs into the site in July 2005, before the action was held up by legal challenges.

EXCLUSIVE

By JON AUSTIN

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Lorraine Browne, solicitor to the council, said: "We have received correspondence regarding the validity of notices. We are looking into it in detail and will respond accordingly."

Enforcement notices must be in order, so bailiffs can be used to deal with a planning breach.

Some of the notices were served in 2002, but were quashed by former Deputy Prime Minister John Prescott a year later and never reinstated.

There is also evidence as many as ten of the pitches cannot be cleared of hardstanding and fencing, as they were authorised as a scrapyard in the Seventies.

Basildon Council leader Tony Ball said he was not overly concerned by the development. He said: "I have been told the council will respond to the inquiry and have been assured everything is in order."

The issue is to be raised in front of MPs on the All Party Parliamentary Group for Gypsy and Traveller Law Reform in Westminster on Thursday.

A spokesman for the Department of Communities confirmed the report had been received and was being looked at.

He added: "The planning enforcement decisions of the local council have been upheld by the Court of Appeal."

Residents: They're stalling

RESIDENTS are dismayed at the news, but have branded it stalling tactics.

David McPherson-Davis, a Ramsden Crays parish councillor, said he could understand the travellers "clutching at straws", but it did not change the overall planning situation.

He added: "Planning permission has been turned down time and time again. If there are legal technicalities

it would only seek to delay the inevitable."

He also felt that because all the documents had been available to the courts which allowed the eviction, if there was a problem it should have been picked up.

He added: "This has been looked at so many times by the council. You would expect it to be 100 per cent right on this."

COULD HINDER PROCESS

nullified" the orders and they have not been re-served. Travellers argued no action can be taken against these 20 pitches as a result.

In the case of another notice affecting ten more pitches, Mr Prescott accepted there was lawful use there for scrapyard.

This means bailiffs would have to leave all fences and hardcore, so only caravans could be removed, and a large area could not be restored to green belt.

inquiry in to 15 pitches, which gave them a year to vacate.

However, the campaigners believe these notices were not correctly served, due to the council demanding the removal of hardcore allegedly already there, meaning there is a question mark over evicting them.

To add to this, no decision was made on the plot where a couple died in a caravan blaze right after the inquiry, due to ownership problems, meaning it could not be cleared.

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